

**ICE RECEIPT**  
**COMPLAINT NUMBER WCI-2023-9125**  
**\*\*\* ICRS CONFIDENTIAL \*\*\***

**To:** LEE, CHONG - #439266  
UNIT: \_S\_ \_G -- \_G29- \_L  
WAUPUN CORRECTIONAL INSTITUTION  
PO Box 351  
WAUPUN, WI 53963-0351

**Complaint Information:**

Date Complaint Acknowledged: 06/21/2023

Date Complaint Received: 06/19/2023

Subject of Complaint: 12 - Other

Brief Summary: complains he is being denied law library

This is to acknowledge the complaint you filed which was received on the date indicated. Depending on the nature of the complaint, you may or may not be interviewed by the ICE. A recommendation on the complaint will be made and submitted to the appropriate reviewing authority within 30 days of acknowledgement. A decision will be made by the appropriate reviewing authority within 15 days following receipt of the recommendation unless extended for cause.

**Please write to the ICE if this issue is resolved before you receive an answer.**

EX  
A

EX  
B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CHONG L. LEE,

Plaintiff,

v.

Case No. 21-CV-037

NICHOLAS SANCHEZ, *et al.*,

Defendants.

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ORDER

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On November 3, 2022, the court issued an order granting the defendants' motion for summary judgment and dismissing the case. (ECF No. 38.) On December 6, 2022, *pro se* plaintiff Chong L. Lee filed a notice of appeal. (ECF No. 40) On January 13, 2023, he filed a motion for leave to appeal without prepayment of the filing fee. (ECF No. 45.) However, he never filed the requisite certified trust account statement for the six-month period immediately preceding the filing of his notice of appeal. On March 15, 2023, the court issued an order requiring Lee file his trust account statement by April 5, 2023. (ECF No. 46.) The April 5 deadline passed, and on May 1, 2023, the court issued an order denying Lee's motion for leave to appeal without prepayment of the filing fee because he did not provide his trust account statement. (ECF No. 47.)

On May 10, 2023, Lee filed a motion requesting the court reconsider its denial of his motion for leave to appeal without prepaying the filing fee. (ECF No. 48.) Lee explains that, because his institution is on lockdown, he is not receiving his legal mail, which prevented him from timely complying with the court's show cause order. Lee has since provided his trust account statement. As such, the court finds good cause to grant his motion and will reinstate his motion for leave to appeal without prepayment of the filing fee..

**IT IS THEREFORE ORDERED** that Lee's motion for reconsideration (ECF No. 48) is **GRANTED**. Lee's motion to appeal without prepayment of the filing fee (ECF No. 45) is **REINSTATED**. The Clerk of Court shall use Lee's trust account statement (ECF No. 49) to calculate the initial partial filing fee so the court may issue an order on Lee's motion to appeal without prepayment of the filing fee.

**IT IS FURTHER ORDERED** that a copy of this this order be electronically provided to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, through the court's electronic case filing system.

Dated in Milwaukee, Wisconsin this 27th day of June, 2023.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN  
United States Magistrate Judge

APPEAL,CLOSED,CONSENT,E-FILE PROJECT,PRISONER,PSA-ACW

**United States District Court  
Eastern District of Wisconsin (Milwaukee)  
CIVIL DOCKET FOR CASE #: 2:21-cv-00037-WED  
Internal Use Only**

Lee v. Sanchez et al

Assigned to: Magistrate Judge William E Duffin

Case in other court: 22-03193

USCA; Lee; 12-00006-2022, 22-03193

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/08/2021

Date Terminated: 11/04/2022

Jury Demand: Both

Nature of Suit: 555 Prisoner: Conditions  
of Confinement

Jurisdiction: Federal Question

**Plaintiff**

**Chong L Lee**

represented by **Chong L Lee**

439266

Waupun Correctional Institution

PO Box 351

Waupun, WI 53963-0351

PRO SE

V.

**Defendant**

**Kevin A Carr**

TERMINATED: 03/02/2021

represented by **Wisconsin Dept of Justice - 1983 Actions**

Email:

DLSFedOrdersEastCL@doj.state.wi.us

TERMINATED: 05/03/2021

**Defendant**

**Brian Foster**

TERMINATED: 03/02/2021

**Defendant**

**Tonia Moon**

TERMINATED: 03/02/2021

**Defendant**

**Captain Westra**

TERMINATED: 03/02/2021

**Defendant**

**Nicholas Sanchez**

represented by **Kevin L Grzebielski**  
Wisconsin Department of Justice  
Office of the Attorney General  
17 W Main St  
PO Box 7857  
Madison, WI 53707-7857  
608-266-7234  
Fax: 608-266-8906  
Email: GrzebielskiKL@doj.state.wi.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Katherine C Polich**  
Wisconsin Department of Justice  
Office of the Attorney General  
17 W Main St  
PO Box 7857  
Madison, WI 53707-7857  
608-267-7163  
Fax: 608-267-8906  
Email: polichkc@doj.state.wi.us  
**TERMINATED: 03/02/2022**

**Defendant**

**Lt David Dingman**

represented by **Kevin L Grzebielski**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Katherine C Polich**  
(See above for address)  
**TERMINATED: 03/02/2022**

**Defendant**


**Officer Trevor Standish**

represented by **Kevin L Grzebielski**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Katherine C Polich**  
(See above for address)  
**TERMINATED: 03/02/2022**


**Defendant**

**Randy Mueller**  
TERMINATED: 03/02/2021

Date Filed	#	Docket Text
01/08/2021	<u>1</u>	PRISONER COMPLAINT with jury demand filed against All Defendants by Chong L Lee. (Received by WCI for e-filing on 1/4/2021)(cmb) (Entered: 01/11/2021)
01/08/2021	<u>2</u>	MOTION for Leave to Proceed Without Prepayment of the Filing Fee by Chong L Lee. (Received by WCI for e-filing on 1/4/2021) (cmb) (Entered: 01/11/2021)
01/08/2021	 <u>3</u>	Prisoner Trust Fund Account Statement by Chong L Lee. (Received by WCI for

6/23/2023, 3:07 PM

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05/04/2021	 <u>16</u>	Magistrate Judge Jurisdiction Form filed by David Dingman, Nicholas Sanchez, Trevor Standish, (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Attachments: # <u>1</u> Certificate of Service)(Polich, Katherine)
05/04/2021		Consent to Magistrate Judge Jurisdiction (mlm)
05/25/2021	<u>17</u>	MOTION for Extension of Time by Chong L Lee. (cmb)
05/26/2021		TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 5/26/2021, GRANTING plaintiff Chong Leng Lee's motion for extension of time to respond to the defendants' motion for summary judgment. (ECF No. <u>17</u> ). Lee's response is now due June 30, 2021. The defendants' reply is due in accordance with the applicable local rules. (cc: all counsel and mailed to pro se party)(mlm)

03/24/2021	<u>8</u>	NOTICE of Appearance by Katherine C Polich on behalf of Lte Dingman, Captain Sanchez, Trevor Standish. Attorney(s) appearing: Katherine C. Polich (Attachments: # <u>1</u> Certificate of Service)(Polich, Katherine)
03/24/2021	<u>9</u>	ACCEPTANCE OF SERVICE BY DOJ as to Lte Dingman, Captain Sanchez, Trevor Standish (Polich, Katherine)
04/30/2021	<u>10</u>	ANSWER to Prisoner Complaint with Jury Demand by Lte Dingman, Captain Sanchez, Trevor Standish. (Attachments: # <u>1</u> Complaint Plaintiff's Renumbered Complaint, # <u>2</u> Certificate of Service)(Polich, Katherine)
04/30/2021	<u>11</u>	MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> by Lte Dingman, Captain Sanchez, Trevor Standish. (Polich, Katherine)
04/30/2021	<u>12</u>	Proposed Findings of Fact by Lte Dingman, Captain Sanchez, Trevor Standish (Polich, Katherine)
04/30/2021	<u>13</u>	DECLARATION of Yana Pusich (Attachments: # <u>1</u> Exhibit 1000 - Inmate Complaint History Report, # <u>2</u> Exhibit 1001 - Complaint Number WCI-2019-13279, # <u>3</u> Exhibit 1002 - Conduct Report Number 31304)(Polich, Katherine)
04/30/2021	<u>14</u>	BRIEF in Support filed by Lte Dingman, Captain Sanchez, Trevor Standish re <u>11</u> MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> . (Polich, Katherine)
05/03/2021		NOTICE from the clerk to Defendants requesting that the Consent/Refusal form to Magistrate Judge William E. Duffin be filed within 21 days; the form is available <a href="#">here</a> . (mlm)
05/03/2021	<u>15</u>	NOTICE and ORDER signed by Magistrate Judge William E Duffin on 5/3/2021 that, if by May 30, 2021, plaintiff does not respond to the summary judgment motion or does not request additional time to do so, the court will accept all facts asserted by the defendants as undisputed and may grant the motion for noncompliance. (cc: all counsel and mailed to pro se party)(mlm)




**Randy Mueller**

TERMINATED: 03/02/2021



Date Filed	#	Docket Text
01/08/2021	<u>1</u>	PRISONER COMPLAINT with jury demand filed against All Defendants by Chong L Lee. (Received by WCI for e-filing on 1/4/2021)(cmb) (Entered: 01/11/2021)
01/08/2021	<u>2</u>	MOTION for Leave to Proceed Without Prepayment of the Filing Fee by Chong L Lee. (Received by WCI for e-filing on 1/4/2021) (cmb) (Entered: 01/11/2021)
01/08/2021	 <u>3</u>	Prisoner Trust Fund Account Statement by Chong L Lee. (Received by WCI for e-filing on 1/4/2021) (cmb) (Entered: 01/11/2021)
01/08/2021		(Court only) ***Set/Clear Flags (cmb) (Entered: 01/11/2021)
01/08/2021		(Court only) ***Remark; open cases: 20C765 and 20C1637, closed case 18C580 (cmb) (Entered: 01/11/2021)
01/11/2021	<u>4</u>	LETTER from the clerk to plaintiff re Consent/Refusal to Magistrate Judge Duffin and requesting that the consent/refusal form be filed within 21 days. Mailed. (cmb)
01/12/2021		(Court only) ***Set/Clear Flags (Cimpl-Wiemer, Allison)
01/12/2021	<u>5</u>	ORDER signed by Magistrate Judge William E Duffin on 1/12/2021 that on or before 2/11/2021 plaintiff shall forward to the Clerk of Court the sum of \$ 40.45 as an initial partial filing fee in this action. (cc: all counsel and mailed to pro se party)(mlm)
01/14/2021	 <u>6</u>	Magistrate Judge Jurisdiction Form filed by Chong L Lee. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (cmb)
02/01/2021		INITIAL PARTIAL FILING FEE Received: \$40.45, receipt number MK4689-85329. ; the payment of all future filing fees will be maintained by the financial department (cmb)
03/02/2021	<u>7</u>	SCREENING ORDER signed by Magistrate Judge William E Duffin on 3/2/2021. The plaintiff Chong L. Lee's motion for leave to proceed without prepayment of the filing fee (ECF No. <u>2</u> ) is GRANTED. The defendants Kevin A. Carr, Brian Foster, Tonia Moon, Captain Westra, and Randy Mueller are DISMISSED. A copy of the complaint and this order have been electronically transmitted to the Wisconsin Department of Justice for service on defendants Captain Sanchez, Lt. Dingman, and C.O. Trevor Standish. Under the informal service agreement, those defendants shall file a responsive pleading to the complaint within 60 days. (cc: Warden and mailed to pro se party w/pamphlet)(mlm)



03/24/2021	<u>8</u>	NOTICE of Appearance by Katherine C Polich on behalf of Lte Dingman, Captain Sanchez, Trevor Standish. Attorney(s) appearing: Katherine C. Polich (Attachments: # <u>1</u> Certificate of Service)(Polich, Katherine)
03/24/2021	<u>9</u>	ACCEPTANCE OF SERVICE BY DOJ as to Lte Dingman, Captain Sanchez, Trevor Standish (Polich, Katherine)
04/30/2021	<u>10</u>	ANSWER to Prisoner Complaint with Jury Demand by Lte Dingman, Captain Sanchez, Trevor Standish. (Attachments: # <u>1</u> Complaint Plaintiff's Renumbered Complaint, # <u>2</u> Certificate of Service)(Polich, Katherine)
04/30/2021	<u>11</u>	MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> by Lte Dingman, Captain Sanchez, Trevor Standish. (Polich, Katherine)
04/30/2021	<u>12</u>	Proposed Findings of Fact by Lte Dingman, Captain Sanchez, Trevor Standish (Polich, Katherine)
04/30/2021	<u>13</u>	DECLARATION of Yana Pusich (Attachments: # <u>1</u> Exhibit 1000 - Inmate Complaint History Report, # <u>2</u> Exhibit 1001 - Complaint Number WCI-2019-13279, # <u>3</u> Exhibit 1002 - Conduct Report Number 31304)(Polich, Katherine)
04/30/2021	<u>14</u>	BRIEF in Support filed by Lte Dingman, Captain Sanchez, Trevor Standish re <u>11</u> MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> . (Polich, Katherine)
05/03/2021		NOTICE from the clerk to Defendants requesting that the Consent/Refusal form to Magistrate Judge William E. Duffin be filed within 21 days; the form is available <a href="#">here</a> . (mlm)
05/03/2021	<u>15</u>	NOTICE and ORDER signed by Magistrate Judge William E Duffin on 5/3/2021 that, if by May 30, 2021, plaintiff does not respond to the summary judgment motion or does not request additional time to do so, the court will accept all facts asserted by the defendants as undisputed and may grant the motion for noncompliance. (cc: all counsel and mailed to pro se party)(mlm)
05/04/2021	 <u>16</u>	Magistrate Judge Jurisdiction Form filed by David Dingman, Nicholas Sanchez, Trevor Standish. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Attachments: # <u>1</u> Certificate of Service)(Polich, Katherine)
05/04/2021		Consent to Magistrate Judge Jurisdiction (mlm)
05/25/2021	<u>17</u>	MOTION for Extension of Time by Chong L Lee. (cmb)
05/26/2021		TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 5/26/2021, GRANTING plaintiff Chong Leng Lee's motion for extension of time to respond to the defendants' motion for summary judgment. (ECF No. <u>17</u> ). Lee's response is now due June 30, 2021. The defendants' reply is due in accordance with the applicable local rules. (cc: all counsel and mailed to pro se party)(mlm)

06/29/2021	<u>18</u>	BRIEF in Opposition filed by Chong L Lee re <u>11</u> MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> . (bx)
07/14/2021	<u>19</u>	REPLY BRIEF in Support filed by David Dingman re <u>11</u> MOTION for Summary Judgment <i>on Exhaustion Grounds and Stay of Discovery</i> . (Polich, Katherine)
07/15/2021	<u>20</u>	CERTIFICATE OF SERVICE by David Dingman, Nicholas Sanchez, Trevor Standish (Polich, Katherine)
10/06/2021	<u>21</u>	LETTER from Chong Lee regarding payment on his cases. (mlm) (Entered: 10/07/2021)
10/19/2021	<u>22</u>	FILING FEE PAID IN FULL (Babits, Anthony)
11/12/2021	<u>23</u>	DECISION AND ORDER signed by Magistrate Judge William E Duffin on 11/12/2021. The defendants' motion for summary judgment (ECF No. <u>11</u> ) is DENIED. Because the defendants filed this motion simultaneously with their answer to Lee's complaint, the court has yet to issue a scheduling order. As such, the court will issue a separate scheduling order setting deadlines for discovery and dispositive motions. (cc: all counsel and mailed to pro se party)(mlm)
11/15/2021	<u>24</u>	SCHEDULING ORDER signed by Magistrate Judge William E Duffin on 11/15/2021. Parties must serve their discovery requests by a date sufficiently early so that discovery is completed no later than April 15, 2022. Defendants may file a motion for summary judgment on the ground Lee failed to exhaust the available administrative remedies, together with supporting materials, no later than January 18, 2022. Parties may file motions for summary judgment on the merits, together with supporting materials, no later than May 16, 2022. (cc: all counsel and mailed to pro se party)(mlm)
11/16/2021	25	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 11/16/2021, VACATING the deadline to file summary judgment on exhaustion grounds. The court has already considered and resolved the question of whether the plaintiff exhausted his administrative remedies. (cc: all counsel and mailed to pro se party)(mlm)
03/02/2022	<u>26</u>	NOTICE of Substitution by Kevin L Grzebielski on behalf of David Dingman, Nicholas Sanchez, Trevor Standish. Attorney Katherine C. Polich to be termed. (Attachments: # <u>1</u> Certificate of Service)(Grzebielski, Kevin)
05/16/2022	<u>27</u>	MOTION for Summary Judgment by David Dingman, Nicholas Sanchez, Trevor Standish. (Attachments: # <u>1</u> Certificate of Service)(Grzebielski, Kevin)
05/16/2022	<u>28</u>	BRIEF in Support filed by David Dingman, Nicholas Sanchez, Trevor Standish re <u>27</u> MOTION for Summary Judgment . (Grzebielski, Kevin)
05/16/2022	<u>29</u>	Proposed Findings of Fact by David Dingman, Nicholas Sanchez, Trevor Standish (Grzebielski, Kevin)

05/16/2022	<u>30</u>	DECLARATION of David Dingman (Attachments: # <u>1</u> Exhibit 1005- DAI POLICY NO. 303.00.03, # <u>2</u> Exhibit 1006- Notice of TLU, # <u>3</u> Exhibit 1007- DAI POLICY NO. 303.00.04)(Grzebielski, Kevin)
05/16/2022	<u>31</u>	DECLARATION of Trevor Standish (Attachments: # <u>1</u> Exhibit 1003- WCI Rules and Info Handbook Excerpt for Mail, # <u>2</u> Exhibit 1004- CR No. 31304) (Grzebielski, Kevin)
05/16/2022	<u>32</u>	DECLARATION of Nicholas Sanchez (Grzebielski, Kevin)
05/17/2022	<u>33</u>	NOTICE and ORDER signed by Magistrate Judge William E Duffin on 5/17/2022 that, if by 6/15/2022, plaintiff does not respond to the summary judgment motion or does not request additional time to do so, the court will accept all facts asserted by the defendants as undisputed and may grant the motion for noncompliance. (cc: all counsel and mailed to pro se Plaintiff)(lz)
06/13/2022	<u>34</u>	MOTION for Extension of Time to Make a Reply to Defendant's Summary Judgment by Chong L Lee. (bx)
06/14/2022	<u>35</u>	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 6/14/2022, GRANTING plaintiff Chong Leng Lee's motion for extension of time to respond to the defendants' motion for summary judgment. <u>34</u> . Lee's response is now due August 1, 2022. The defendants' reply, should they wish to file one, is due in accordance with the applicable local rules. (cc: all counsel and mailed to pro se party)(mlm)
06/17/2022	<u>36</u>	RESPONSE filed by Chong L Lee re <u>27</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibits)(bx)
06/22/2022	<u>37</u>	REPLY BRIEF in Support filed by David Dingman, Nicholas Sanchez, Trevor Standish re <u>27</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Certificate of Service)(Grzebielski, Kevin)
11/03/2022	<u>38</u>	DECISION AND ORDER signed by Magistrate Judge William E Duffin on 11/3/2022 GRANTING <u>27</u> Defendants Nicholas Sanchez, David Dingman, and Trevor Standish's Motion for Summary Judgment. This case is DISMISSED. Judgment to be entered. (cc: all counsel and mailed to pro se Plaintiff)(lz)
11/04/2022	<u>39</u>	JUDGMENT signed by Deputy Clerk and approved by Magistrate Judge William E Duffin on 11/4/2022 in favor of defendants Nicholas Sanchez, David Dingman and Trevor Standish and against Plaintiff Chong L Lee. Action is DISMISSED WITH PREJUDICE. (cc: all counsel and mailed to pro se Plaintiff)(lz)
12/06/2022	<u>40</u>	NOTICE OF APPEAL by Chong L Lee from USDC re: <u>38</u> Order on Motion for Summary Judgment and <u>39</u> Judgment. (cc: all counsel)Newlin Notice to be sent by 2/2/2023 (lmf) (Entered: 12/07/2022)
12/06/2022	<u>41</u>	Docketing Statement by Chong L Lee re <u>40</u> Notice of Appeal Prisoner (cc: all counsel) (lmf) (Entered: 12/07/2022)

12/07/2022	<u>42</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>40</u> Notice of Appeal Prisoner (lmf)
12/07/2022	<u>43</u>	Pro Se Cover Letter re: <u>40</u> Notice of Appeal Prisoner (Attachments: # <u>1</u> Docket Sheet)(lmf)
12/07/2022	<u>44</u>	USCA Case Number 22-3193 re: <u>40</u> Notice of Appeal Prisoner filed by Chong L Lee. (Attachments: # <u>1</u> PLRA Fee Notice and Order)(lmf)
01/13/2023	<u>45</u>	MOTION for Leave to Appeal Without Prepayment of the Filing Fee by Chong L Lee. (lmf) (Entered: 01/17/2023)
03/15/2023	<u>46</u>	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 3/15/2023. On December 7, 2022, the court informed pro se plaintiff Chong Lee that he must submit his institutional trust account statement for the six-month period preceding the filing of his notice of appeal by December 21, 2022. The deadline has passed, and Lee has not filed either his trust account statement nor has he explained why he was unable to do so. If the court does not receive the statement or an explanation by April 5, 2023, the court will deny Lee's motion to proceed without prepayment of the appellate filing fee. (cc: all counsel and mailed to pro se party)(mlm)
05/01/2023	<u>47</u>	ORDER signed by Magistrate Judge William E Duffin on 5/1/2023. Lee's motion for leave to appeal without prepayment of the filing fee (ECF No. <u>45</u> ) is DENIED.IT IS FURTHER ORDERED that a copy of this this order be electronically provided to PLRA Attorney, United States Court of Appeals for the Seventh Circuit, through the court's electronic case filing system. (cc: all counsel and mailed to pro se party)(mlm) (Entered: 05/03/2023)
05/10/2023	 <u>48</u>	MOTION for Reconsideration by Chong L Lee. (Attachments: # <u>1</u> Exhibits)(cmb)
05/10/2023	 <u>49</u>	Prisoner Trust Fund Account Statement by Chong L Lee. (cmb)
06/22/2023	<u>50</u>	LETTER from plaintiff asking for a status update on his motion for reconsideration. (Sent him a copy of his docket sheet.) (mlm) (Entered: 06/23/2023)